

FILED

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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY _____

10 Attorneys for Plaintiff,
11 MIGUEL VAZQUEZ

12
13 UNITED STATES DISTRICT COURT
14 CENTRAL DISTRICT OF CALIFORNIA

15 MIGUEL VAZQUEZ,

16 Plaintiff,

17 v.

18 CITY OF LONG BEACH, DAVID M.
19 FARIS, MICHAEL G. HYNES,
20 ROBERT KNIGHT, and DOES 1
21 through 10, inclusive,

22 Defendants.

CASE NO.

CV 12 9923 -SVW
(AGRA)

COMPLAINT FOR DAMAGES

- (1) Violation of Civil Rights (42 U.S.C. § 1983)
- (2) Supervisory Liability Claim for Violation of Civil Rights (42 U.S.C. § 1983)
- (3) *Monell* Claim for Violation of Civil Rights (42 U.S.C. § 1983)

[DEMAND FOR JURY TRIAL]

23
24 INTRODUCTION

25 1. This civil rights action pursuant to 42 U.S.C. § 1983 seeks
26 compensatory and punitive damages from Defendants for causing Plaintiff to be
27 deprived of rights, privileges, and immunities secured by the Constitution and laws
28 of the United States on and after November 27, 2010.

1 2. It is alleged that the individual police officer Defendants violated
2 Plaintiff's rights under the Fourth, Fifth, Eighth, and Fourteenth Amendments to the
3 United States Constitution when they unreasonably seized Plaintiff's person using
4 excessive force, unreasonably arrested him on false charges of violating California
5 Penal Code §148(a)(1), and submitted false police reports leading to excessive bail
6 and the initiation of wrongful criminal prosecution for violations of California Penal
7 Code §§ 148(a)(1) and 241(c).

8 3. It is further alleged that the wrongful conduct of the individual officers
9 who used excessive force against Plaintiff and submitted false reports to cover up
10 their misconduct was the result of deliberately indifferent supervision within the
11 Long Beach Police Department as well as unconstitutional customs, policies, and/or
12 practices of the City of Long Beach.

13 **JURISDICTION AND VENUE**

14 4. The Court has jurisdiction over the federal civil rights claims alleged
15 herein pursuant to 28 U.S.C. §§ 1331 (federal question) and 1343 (civil rights).

16 5. Under 28 U.S.C. §1391(b), venue lies in the Central District of
17 California because Defendants reside in, and all incidents, events, and occurrences
18 giving rise to this action occurred in, the County of Los Angeles, California.

19 **PARTIES**

20 6. Plaintiff Miguel Vazquez ("Plaintiff") is, and at all times relevant
21 hereto was, an individual residing in the County of Los Angeles and an adult
22 competent to bring this suit in this Court.

23 7. Defendant CITY OF LONG BEACH ("CITY") is, and at all times
24 relevant hereto was, a duly authorized public entity and municipality, existing under
25 the laws of the State of California. The Long Beach Police Department (hereinafter
26 "LBPD") is, and at all relevant times was, an agency and subdivision of Defendant
27 CITY. The CITY and LBPD are located within the County of Los Angeles, State of
28 California. At all relevant times, Defendant CITY and LBPD possessed the power

1 and authority to adopt policies and prescribe rules, regulations and practices
2 affecting the operation of the LBPD and the actions of employees of the LBPD,
3 including customs, policies and/or practices relating to police tactics, methods,
4 investigations, arrests, and proper uses of force; as well as to personnel supervision,
5 performance evaluation, internal investigations, discipline, records maintenance,
6 and/or retention. Defendant CITY is sued as a municipal corporation under 42
7 U.S.C. § 1983 because its customs, policies and/or practices with regard to the
8 operation of the LBPD were a moving force behind the constitutional violations
9 claimed by Plaintiff herein.

10 8. Upon information and belief, at all relevant times, Defendants DAVID
11 M. FARIS, MICHAEL G. HYNES, ROBERT KNIGHT, and DOES 1 through 10
12 were police officers, detectives, sergeants, captains, commanders, chiefs of police,
13 and/or civilian employee agents, policy makers, and representatives of the LBPD, as
14 well as employees, agents, policy makers and representatives of Defendant CITY.
15 At all relevant times, said Defendants were acting under color of law and within the
16 course and scope of their employment with the CITY and/or the LBPD. These
17 Defendants are natural persons and are sued both individually and in their official
18 capacity.

19 9. At present time, the true names and capacities of Defendants sued
20 herein as DOES 1-10 are unknown to Plaintiff. Upon information and belief, the
21 true names and capacities of DOE Defendants are contained in records, documents,
22 and other discovery that is unavailable to Plaintiff and can only be ascertained
23 through the discovery process. Upon information and belief, each of the DOE
24 Defendants was in some manner responsible for the acts and omissions alleged
25 herein, and Plaintiff will ask leave of this Court to amend the Complaint to allege
26 such names and responsibility when that information is ascertained.

27 10. At all relevant times, each and every Defendant was the agent of each
28 and every other Defendant. Each of the Defendants and DOE Defendants caused

1 and is responsible for the unlawful conduct and resulting injury herein alleged by,
2 *inter alia*, personally participating in the conduct, or acting jointly and in concert
3 with others who did so by authorizing, acquiescing in or failing to take action to
4 prevent the unlawful conduct by intervention, or promulgating policies and
5 procedures or practices pursuant to which the unlawful conduct occurred; by failing
6 and refusing to initiate and maintain adequate training, supervision, policies,
7 procedures and protocols; by failing to implement and ensure compliance with
8 policies and procedures to ensure the safety and reasonable security of individuals,
9 such as Plaintiff; and by ratifying the unlawful conduct performed by agents,
10 employees, counselors, staff, and officers under their direction and control.

11 11. Whenever and wherever reference is made in this Complaint to any act
12 by a Defendant, such allegation and reference will also be deemed to mean the acts
13 and failures to act of each Defendant individually, jointly, or severally.

14 **FACTUAL ALLEGATIONS COMMON TO ALL CLAIMS FOR RELIEF**

15 12. On the Friday after Thanksgiving in 2010, Plaintiff was spending the
16 evening with his friends and family at his residence, located at 1611 E. Broadway,
17 Long Beach, CA 90802, and at a local bar within walking distance. Plaintiff
18 returned home from the bar after midnight, in the early morning hours of Saturday,
19 November 27, 2010. Plaintiff had consumed several alcoholic beverages prior to
20 leaving the bar.

21 13. Plaintiff became aware of police activity in front of his residence and
22 went outside to observe what was happening. Plaintiff witnessed two police
23 officers—later identified as Defendants FARIS and HYNES—yelling at a group of
24 people who were lined up on the ground in front of them. When Plaintiff observed
25 the individuals, they were not fighting back or resisting the police, but rather were
26 stationary. Plaintiff's friend was one of the persons in the group, and Plaintiff was
27 concerned for him.

28 14. Plaintiff spoke out to the officers, attempting to inquire as to what was

1 going on with his friend. One of the officers told Plaintiff to go home and pushed
2 Plaintiff backwards. Plaintiff stated, "Hey, don't fucking touch me." The officer
3 yelled, angrily, "I will touch you anytime I want to touch you, you understand that?"

4 15. Then, Plaintiff was grabbed, pushed to the ground, and hit multiple
5 times with a baton. Plaintiff did not physically resist or struggle in any way, prior to
6 or during the Defendants' use of force. Defendants' use of force was entirely
7 unjustified, callous, and wanton. Plaintiff pleaded with the officer to stop, and
8 several witnesses yelled out to the officers to stop, saying "Hey!" and "No!" One
9 such witness was Plaintiff's cousin, Miguel Contreras, who called out to tell the
10 officers to stop hitting Plaintiff. One of the officers then rushed Mr. Contreras and
11 started hitting Mr. Contreras with a baton. While Plaintiff was still on the ground, he
12 asked the officers "are you fucking really [doing this]?" Thereafter, one of the
13 officers stepped on Plaintiff's right hand, fracturing his finger. Plaintiff yelled out in
14 pain. Plaintiff was ultimately placed in handcuffs and taken to the patrol car.

15 16. The above-described events were witnessed by several bystanders and
16 were videorecorded. Witness statements taken by the police after the incident
17 generally corroborate the events described above. In particular, the witnesses
18 uniformly indicated that Plaintiff did not physically resist the officers in any way
19 and was pushed to the ground and beaten for no apparent reason.

20 17. Upon information and belief, Defendants' unjustified use of force and
21 abuse of authority were motivated by their perception that Plaintiff challenged,
22 defied, and/or disrespected them as police officers. The circumstances of the
23 incident may also indicate a hostility towards homosexuals, inasmuch as Plaintiff is
24 an openly gay person who lives in a neighborhood that is known for its LGBT
25 community.

26 18. Upon information and belief, Defendants, and each of them, agreed and
27 conspired with one another to create the appearance of justification for the
28 unprovoked seizures and malicious uses of force by Defendants FARIS and

1 HYNES, by preparing knowingly false and misleading crime and arrest reports.

2 19. Defendants FARIS and HYNES submitted deliberately false and
3 misleading police reports to cover up their use of excessive force, with the
4 knowledge and intent that such false statements would be used to initiate a wrongful
5 criminal prosecution and secure a wrongful conviction in violation of Plaintiff's
6 constitutional rights. These police reports falsely state that Plaintiff swung at
7 Defendant FARIS; that Defendant FARIS attempted to place Plaintiff under arrest
8 and that Plaintiff struggled, resisted, and pulled away from Defendant FARIS; and
9 that both Plaintiff and Defendant FARIS were on the ground wrestling with one
10 another, while Plaintiff was refusing Defendant FARIS's instructions to "stop
11 resisting." These police reports falsely omit the use of force that caused Plaintiff's
12 finger to be fractured. The reports also contain various related false statements
13 concerning the incidents and uses of force that occurred on November 27, 2010.

14 20. Upon information and belief, LBPD officers taking the witness
15 statements attempted, unsuccessfully, to influence the witnesses' descriptions of
16 events so as to cover up Defendants' use of excessive force; failed to record accurate
17 and complete witness statements; included inaccurate and/or false information
18 intended to cast doubt on the statements; and failed to interview all of the witnesses
19 to the above-described events.

20 21. Defendant KNIGHT, a LBPD supervisor, investigated the use of force
21 reported by Defendants FARIS and HYNES. Defendant KNIGHT arrived on the
22 scene after the above-described incident and spoke with Defendants FARIS and
23 HYNES and interviewed Miguel Contreras. Upon information and belief, Defendant
24 KNIGHT took no steps to independently interview witnesses on the scene.
25 Nevertheless, it should have been abundantly apparent, based on available
26 information, that the use of force by Defendants FARIS and HYNES was excessive,
27 contrary to policy, and unconstitutional. Rather than take action to discipline and/or
28 provide appropriate supervision and training in response to the unreasonable and

1 excessive use of force by Defendants FARIS and HYNES, Defendant KNIGHT
2 sanctioned and ratified the use of force, deeming it reasonable and within policy. By
3 ratifying the use of excessive force and dismissing and/or disregarding the evidence
4 of excessive force, Defendant KNIGHT joined into an ongoing conspiracy to
5 conceal Defendants' misconduct.

6 22. Plaintiff was taken into custody and booked for violating California
7 Penal Code § 148(a)(1) (resisting or obstructing a public officer), an entirely
8 unjustified and false accusation. At the station, Plaintiff was given a breathalyzer
9 test, which showed that he had a blood alcohol level of .16. Plaintiff was then
10 additionally booked on charges of violating California Penal Code § 647(f) (public
11 intoxication).

12 23. While in custody, Plaintiff complained of pain in relation to his
13 injuries, but was not given medical attention for several hours. Plaintiff was later
14 taken to the hospital, where he was diagnosed with a fractured finger, a contusion to
15 his right thigh, and a sprained left ankle. Plaintiff was discharged from the
16 emergency room and transported back to the jail.

17 24. Plaintiff remained in custody until the evening of September 27, 2010
18 with a \$10,000 bond due to the false booking charge of violating California Penal
19 Code § 148(a)(1). According to the bail schedule for the Superior Court of the
20 County of Los Angeles, Plaintiff's bond would have been set at \$250 for the alleged
21 California Penal Code § 647(f) violation alone. Plaintiff posted bond through a bail
22 bondsman, incurring a non-refundable \$1000 fee, and was released at or around 8:00
23 p.m.

24 25. Based on the false police reports submitted by Defendants FARIS and
25 HYNES, Plaintiff was falsely charged in a criminal complaint filed on November
26 30, 2010 with violations of California Penal Code § 241(c) (assault on a public
27 officer) and California Penal Code § 148(a)(1) (resisting or obstructing a public
28 officer). Plaintiff ultimately prevailed against the false charges that were initiated by

1 Defendants FARIS and HYNES, which were dismissed on November 14, 2011.

2 26. The use of force perpetrated against Plaintiff, even under the falsely
3 described circumstances presented in the reports of Defendants FARIS and HYNES,
4 was grossly disproportionate to any legitimate law enforcement objective and was in
5 violation of written LBPDP policies. The use of force was perpetrated in full view of
6 multiple witnesses, with Defendants' apparent belief of impunity. The use of force
7 indicates severe failures in the training and supervision of Defendants FARIS and
8 HYNES as a matter of municipal policy and as a matter of deficiencies by individual
9 LBPDP supervisors.

10 27. Upon information and belief, Defendants FARIS and/or HYNES have
11 been the subject of prior complaints of misconduct and/or uses of force; and
12 insufficient action was taken to evaluate and/or discipline them for the conduct
13 alleged in the complaints or to provide them further training and/or supervision as a
14 result of the conduct alleged in the complaints.

15 28. On or about March 2, 2011, Plaintiff submitted a citizen's complaint to
16 the internal affairs unit of the LBPDP. In the custom and practice of the LBPDP, to
17 ensure that officers and the department are shielded from liability for wrongful
18 misconduct, a cover-up administrative, rather than criminal, investigation was
19 undertaken. On or about January 31, 2012—more than a year after the incident and
20 almost a year after Plaintiff filed his citizen's complaint—the results of the
21 administrative investigation were communicated to Plaintiff. Plaintiff was informed
22 that one of his allegations of use of force was sustained and the other was classified
23 as not sustained. Plaintiff was not provided further information as to what factual
24 findings were made and what action would be taken. Upon information and belief,
25 the administrative investigation disregarded obvious and uncontradicted evidence of
26 criminal, tortious, and administrative wrongdoing by each of the individual
27 Defendants, and their supervisors failed to take necessary and appropriate action in
28 response to such evidence, resulting in a ratification of Defendants' misconduct.

- 1 of pain and harm;
- 2 b. Retaliating against Plaintiff;
- 3 c. Arresting Plaintiff in an unreasonable manner and on a false
- 4 booking charge of violating California Penal Code § 148(a)(1)
- 5 based on a deliberately false police report;
- 6 d. Delaying treatment of Plaintiff's injuries with deliberate
- 7 indifference to Plaintiff's pain and need for medical attention;
- 8 e. Causing Plaintiff to be subjected to excessive bail based on a
- 9 deliberately false police report;
- 10 f. Causing plaintiff to be prosecuted on false charges of violating
- 11 California Penal Code §§ 148(a)(1) and 241(c) based on a
- 12 deliberately false police report;
- 13 g. Interfering with Plaintiff's right to seek redress for his injuries by
- 14 covering up their misconduct; and/or
- 15 h. Denying Plaintiff of due process of law.

16 36. Defendants, and each of them, carried out and perpetrated a conspiracy
 17 to commit the above-described unconstitutional deprivations of Plaintiff's rights and
 18 conspired to deprive Plaintiff of his rights to be free from unreasonable seizures, to
 19 due process, to a fair trial, and to be free from groundless criminal prosecutions
 20 based on false evidence.

21 37. Defendants, and each of them, committed the aforementioned acts and
 22 omissions in bad faith and with knowledge that their conduct violated well
 23 established law.

24 38. As a direct and proximate result of Defendants' aforementioned acts
 25 and omissions, Plaintiff was injured as set forth above and is entitled to
 26 compensatory damages according to proof.

27 39. The aforementioned acts and omissions of Defendants were committed
 28 by each of them knowingly, willfully, maliciously, oppressively, and/or in reckless

1 disregard of Plaintiff's rights. By reason thereof, Plaintiff is entitled to punitive and
2 exemplary damages from Defendants according to proof.

3 **SECOND CAUSE OF ACTION**

4 **SUPERVISORY LIABILITY FOR VIOLATION OF CIVIL RIGHTS**

5 **PURSUANT TO 42 U.S.C. § 1983**

6 **(AGAINST DEFENDANTS FARIS, KNIGHT, AND DOES 1 THROUGH 10)**

7 40. Plaintiff restates and incorporates by reference Paragraphs 1-39 above,
8 as though fully stated herein.

9 41. At all times material herein, Defendants FARIS, KNIGHT, and DOE
10 Supervisors, as LBPD supervisors acting under the color of law, had a duty to
11 supervise and control officers under their command within the LBPD to ensure that
12 said officers would not violate the constitutional rights of individuals by using
13 excessive force, submitting false police reports, and/or fabricating criminal
14 allegations.

15 42. Defendant Sergeant FARIS, who was present and personally involved
16 in the aforementioned acts and omissions that underlie Plaintiff's First Cause of
17 Action, directed his subordinate(s), including Defendant HYNES, in the acts and
18 omissions that caused Plaintiff to be deprived of his rights as alleged above, or knew
19 of or reasonably should have known of the acts and omissions, but failed to properly
20 supervise and control his subordinate(s). Defendant Sergeant FARIS knew, or
21 reasonably should have known, that his subordinate(s) were engaging in acts of
22 physical violence and dishonesty that would deprive Plaintiff of his constitutional
23 rights and failed to prevent his subordinate(s) from engaging in such conduct and
24 instead ratified such conduct.

25 43. Upon information and belief, Defendants FARIS, KNIGHT, and DOE
26 Supervisors condoned, tolerated, ratified, and accepted use of excessive force and
27 dishonesty by their subordinates, including Defendants FARIS and HYNES, when
28 interacting with citizens, including individuals such as Plaintiff. Defendants FARIS,

1 KNIGHT, and DOE Supervisors knew or should have known that their subordinates
2 were engaging in acts of physical violence and dishonesty that would result in
3 violations of the constitutional rights of citizens, including Plaintiff, and failed to
4 take necessary steps to monitor, supervise, train, discipline, or terminate such
5 subordinates to prevent future constitutional violations, including the violations of
6 Plaintiff's rights alleged herein. Defendants KNIGHT and DOE Supervisors further
7 condoned, tolerated, ratified, and accepted the acts and omissions of Defendants
8 FARIS, HYNES, and DOE Subordinates that underlie Plaintiff's First Cause of
9 Action, which were brought to said Defendant Supervisors' attention by, *inter alia*,
10 Plaintiff's filing of a citizen's complaint.

11 44. Upon information and belief, Defendants FARIS, KNIGHT, and DOE
12 Supervisors were aware of or reasonably should have been aware of misconduct by
13 subordinates under their command, including Defendants FARIS and HYNES, but
14 failed to fully and objectively investigate such misconduct, to hold the subordinates
15 accountable for such misconduct, and/or to take corrective measures to avert future
16 misconduct and constitutional violations, including the violations of Plaintiff's
17 rights alleged herein.

18 45. The aforementioned acts and omissions of Defendants FARIS,
19 KNIGHT, and DOE Supervisors set in motion a series of acts by their subordinates,
20 including Defendants FARIS and HYNES, that Defendants knew or reasonably
21 should have known would lead to the constitutional violations alleged by Plaintiff in
22 the First Cause of Action and the resulting injuries to Plaintiff, entitling Plaintiff to
23 compensatory damages according to proof.

24 46. The aforementioned acts and omissions of Defendants FARIS,
25 KNIGHT, and DOE Supervisors were committed by each of them knowingly,
26 willfully, maliciously, oppressively, and in reckless disregard of Plaintiff's rights.
27 By reason thereof, Plaintiff is entitled to punitive and exemplary damages from
28 Defendants according to proof.

1 **THIRD CAUSE OF ACTION**
2 **MUNICIPAL (*MONELL*) LIABILITY FOR VIOLATION OF CIVIL RIGHTS**
3 **PURSUANT TO 42 U.S.C. § 1983**
4 **(AGAINST DEFENDANT CITY OF LONG BEACH)**

5 47. Plaintiff restates and incorporates by reference Paragraphs 1-46 above,
6 as though fully stated herein.

7 48. Defendant CITY and the LBPD, an agency and subdivision of
8 Defendant CITY, possessed the power and authority to adopt policies and prescribe
9 rules, regulations and practices affecting the operation of the LBPD and the actions
10 of employees of the LBPD, including customs, policies and/or practices relating to
11 police tactics, methods, investigations, arrests, and proper uses of force; as well as to
12 personnel supervision, performance evaluation, internal investigations, discipline,
13 records maintenance, and/or retention.

14 49. At all relevant times, Defendants FARIS, HYNES, KNIGHT, and
15 DOES 1-10, and each of them, were employees of LBPD and Defendant CITY and
16 were under the direction and control of LBPD and Defendant CITY.

17 50. Upon information and belief, Defendant CITY had knowledge, prior to
18 and since November 27, 2010, of repeated allegations of misconduct toward
19 detainees and arrestees by officers of the LBPD, including allegations of excessive
20 force, dishonesty, and abuse of authority.

21 51. Upon information and belief, Defendant CITY maintained and enforced
22 LBPD customs, policies and/or practices of hiring, retaining, training, assigning,
23 supervising, and failing to discipline officers, supervisors, and other employees and
24 agents who have a propensity for brutality, dishonesty, and abuse of authority,
25 among other failures in their duties as peace officers.

26 52. Upon information and belief, Defendant CITY knowingly maintains
27 and permits *sub-rosa* customs, policies and/or practices of tolerating, condoning,
28 and ratifying the occurrence of the kinds of constitutional violations and wrongs

1 alleged in the within action, by deliberate indifference to widespread police abuses,
2 failing and refusing to fairly and impartially investigate, discipline, or prosecute
3 peace officers who commit acts of brutality, dishonesty, and abuse of authority.

4 53. Upon information and belief, the unconstitutional customs, policies,
5 and/or practices of Defendants CITY and LBPDP include, but are not limited to: (a)
6 insufficient, incompetent, and biased investigation of allegations of misconduct by
7 employees; (b) inadequate supervision, evaluation, and discipline of employees
8 known to have committed misconduct or whose performance caused a risk of
9 constitutional violations; (c) ineffective and/or inadequate training of peace officers
10 in the use of reasonable and proper force, when the need for such training was
11 obvious; (d) the accepted and sanctioned initiation and prosecution of false
12 charges—including violations of California Penal Code §§ 148, 242, 243, 245, 602,
13 and 647(f)—against victims of officer physical abuse; (e) reliance on false criminal
14 charges and a code of silence among employees to insulate the CITY, LBPDP, and
15 individual peace officers from civil liability; and (f) the regular failure and refusal to
16 enforce written procedures with regard to administrative investigations, discipline,
17 and use of force.

18 54. The customs, policies, and/or practices of LBPDP and Defendant CITY
19 were a moving force behind the constitutional violations alleged by Plaintiff in the
20 First Cause of Action and the resulting injuries to Plaintiff, entitling Plaintiff to
21 compensatory damages according to proof.

22 **PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiff prays for judgment against Defendants CITY,
24 FARIS, KNIGHT, HYNES, and DOES 1 through 10, and each of them, and award
25 of damages jointly and severally, as follows:

- 26 1. For general damages according to proof;
27 2. For special damages according to proof;
28 3. For exemplary and punitive damages against each individual

1 Defendant, in amounts according to proof;

2 4. For costs of litigation;

3 5. For reasonable attorneys' fees and costs permitted by 42 U.S.C. § 1988;


4 6. For such other and further relief as the Court may deem just and
5 equitable.

6
7 Respectfully submitted,

8 KAYE, McLANE & BEDNARSKI, LLP

9
10 DATED: November 20, 2012

By

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12 CAITLIN S. WEISBERG
13 Attorneys for Plaintiff Miguel Vazquez
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DEMAND FOR JURY TRIAL

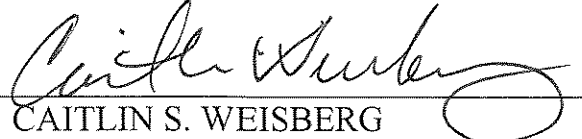
Plaintiff hereby demands a trial by jury on all issues.

Respectfully submitted,

KAYE, McLANE & BEDNARSKI, LLP

DATED: November 20, 2012

By



CAITLIN S. WEISBERG

Attorneys for Plaintiff Miguel Vazquez

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY

This case has been assigned to District Judge Stephen V. Wilson and the assigned discovery Magistrate Judge is Alicia G. Rosenberg.

The case number on all documents filed with the Court should read as follows:

CV12- 9923 SVW (AGR~~x~~)

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ **Western Division**
312 N. Spring St., Rm. G-8
Los Angeles, CA 90012

☐ **Southern Division**
411 West Fourth St., Rm. 1-053
Santa Ana, CA 92701-4516

☐ **Eastern Division**
3470 Twelfth St., Rm. 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

David S. McLane & Caitlin S. Weisberg
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 234 East Colorado Boulevard, Suite 230
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 626-844-7660 (ph); 626-844-7670 (fx)
 dmclane@kmbllp.com, cweisberg@kmbllp.com

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA

MIGUEL VAZQUEZ,

PLAINTIFF(S)

v.

CITY OF LONG BEACH, DAVID M. FARIS,
 MICHAEL G. HYNES, ROBERT KNIGHT, and
 DOES 1 through 10, inclusive,

DEFENDANT(S).

CASE NUMBER

CV 12 9923-SVW(AGK)

SUMMONS

TO: DEFENDANT(S):

A lawsuit has been filed against you.

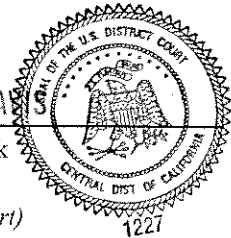
Within 21 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached ☒ complaint ☐ amended complaint ☐ counterclaim ☐ cross-claim or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, Caitlin S. Weisberg, whose address is Kaye, McLane & Bednarski, LLP, 234 E. Colorado Blvd., Ste. 230, Pasadena, CA 91101. If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Clerk, U.S. District Court

Dated: NOV 20 2012

By: MARILYN DA
 Deputy Clerk

(Seal of the Court)



[Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States. Allowed 60 days by Rule 12(a)(3)].

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) MIGUEL VAZQUEZ	DEFENDANTS CITY OF LONG BEACH, DAVID M. FARIS, MICHAEL G. HYNES, ROBERT KNIGHT, and DOES 1 through 10, inclusive
(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.) David S. McLane & Cailin S. Weisberg, Kaye, McLane & Bednarski, LLP 234 E. Colorado Blvd., Ste. 230, Pasadena, CA 91101 626.844.7660 (ph); 626.844.7670 (fx); cweisberg@kmbllp.com (e-mail)	Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1 U.S. Government Plaintiff <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 2 U.S. Government Defendant <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.) <table style="width:100%; border: none;"> <tr> <td style="width:33%; border: none;">Citizen of This State</td> <td style="width:10%; border: none; text-align: center;">PTF</td> <td style="width:10%; border: none; text-align: center;">DEF</td> <td style="width:33%; border: none;"></td> <td style="width:10%; border: none; text-align: center;">PTF</td> <td style="width:10%; border: none; text-align: center;">DEF</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 1</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 1</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 1</td> <td style="border: none;">Incorporated or Principal Place of Business in this State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 4</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 4</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 2</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 2</td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 5</td> </tr> <tr> <td style="border: none;"><input type="checkbox"/> 3</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 3</td> <td style="border: none;">Foreign Nation</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6</td> <td style="border: none; text-align: center;"><input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF	DEF		PTF	DEF	<input type="checkbox"/> 1	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
Citizen of This State	PTF	DEF		PTF	DEF																				
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<input type="checkbox"/> 2	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
<input type="checkbox"/> 3	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. ORIGIN (Place an X in one box only.)

☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from another district (specify):
 ☐ 6 Multi-District Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No
 MONEY DEMANDED IN COMPLAINT: \$ To Be Proven

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

42 U.S.C. § 1983 - violation of civil rights (excessive force, unreasonable seizure, false evidence, etc.) - individual, supervisory, and municipal liability

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Act <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Info. Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Fed. Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus-Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	TORTS PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 American with Disabilities - Employment <input type="checkbox"/> 446 American with Disabilities - Other <input checked="" type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 Habeas Corpus General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus/Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition FORFEITURE / PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs <input type="checkbox"/> 660 Occupational Safety /Health <input type="checkbox"/> 690 Other	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
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CV 12 9923

FOR OFFICE USE ONLY: Case Number: _____

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County or unknown	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Los Angeles County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved

X. SIGNATURE OF ATTORNEY (OR PRO PER):  **Date** November 20, 2012

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))